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Supreme Court, U. S.

FILED

JUL 28 1997

CLERK

No. 96-827

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1996

LEONARD ROLLON CRAWFORD-EL,
Petitioner,

v.

PATRICIA BRITTON,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

JOINT APPENDIX

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Washington, D.C. • THIEL PRESS • (202) 328-3286

PETITION FOR CERTIORARI FILED NOV. 25, 1996
CERTIORARI GRANTED JUNE 16, 1997

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APPENDIX A

EXCERPTS FROM DOCKET ENTRIES

U.S. District Court for the District of
Columbia (Case #89-CV-3076):

* * *

11/09/89 1 COMPLAINT filed, attachments [Entry
date 11/13/89]

* * *

04/10/90 13 REQUEST by plaintiff LEONARD ROL-
LON CRAWFORD-EL to defendant PATRICIA BRIT-
TON, defendant DC DEPT. OF CORR. for production
of documents [Entry date 04/11/90]

04/10/90 14 INTERROGATORIES filed by plaintiff
LEONARD ROLLON CRAWFORD-EL to defendant
PATRICIA BRITTON, defendant DC DEPT. OF CORR.
[Entry date 04/11/90]

* * *

05/01/90 16 MOTION by defendant PATRICIA
BRITTON, defendant DC DEPT. OF CORR. to dismiss
Exhibit (2) [Entry date 05/02/90]

* * *

05/07/90 22 MOTION by plaintiff LEONARD ROL-
LON CRAWFORD-EL to amend complaint [1-1] (fiat,
LAMBERTH, J.) [Entry date 05/08/90]

* * *

05/10/90 23 ORDER by Judge Royce C. Lamberth : granting with regard to defendant DC, denying with regard to defendant BRITTON motion to dismiss [16-1] status hearing set for 9:30 5/25/90; defendant BRITTON to file any written discovery requests by 5/24/90; response by defendant BRITTON to plaintiff's outstanding discovery request due 5/17/90; (N) [Entry date 05/15/90]

05/17/90 24 MOTION by defendant PATRICIA BRITTON for reconsideration of Order of 5/1/0/90 Attachment [Entry date 05/18/90]

05/23/90 25 RESPONSE by plaintiff LEONARD ROLLON CRAWFORD-EL in opposition to motion for reconsideration of Order of 5/1/0/90 [24-1] by PATRICIA BRITTON. Attachment [Entry date 06/07/90]

08/31/90 26 ORDER by Judge Royce C. Lamberth : granting motion for reconsideration of Order of 5/1/0/90 [24-1] by PATRICIA BRITTON; plaintiff given 20 days to amend his complaint (N) [Entry date 09/06/90]

* * *

12/21/90 37 ORDER by Judge Royce C. Lamberth; directing that plaintiff shall remain at the D.C. Jail until further order; Assistant Corporation Counsel Marty to file a report no later than January 2, 1991, regarding plaintiff's use of the law library, shall remain at the D.C. (N)

* * *

United States Court of Appeals for the District of Columbia Circuit (No. 91-7023):

* * *

12/27/91 — Opinion for the Court of Appeals filed by Judge Williams (interlocutory appeal, No. 91-7023)

* * *

U.S. District Court for the District of Columbia (Case No. 89-CV-3076):

* * *

08/24/92 85 RESPONSE by plaintiff(s) LEONARD ROLLON CRAWFORD-EL in opposition to motion to dismiss the Fourth Amended Complaint [84-1] by DISTRICT OF COLUMBIA, PATRICIA BRITTON; attachments (2) [Entry date 08/25/92]

* * *

02/15/94 88 MEMORANDUM OPINION by Judge Royce C. Lamberth (N) [Entry date 02/16/94]

02/15/89 89 ORDER by Judge Royce C. Lamberth : granting motion to dismiss the Fourth Amended Complaint [84-1] by PATRICIA BRITTON, DC, dismissing the federal claims of plaintiff's fourth amended complaint, both as against defendant Patricia Britton and against the District of Columbia, dismissing plaintiff's District of Columbia law claim for lack of jurisdiction. (N) [Entry date 02/16/94]

* * *

08/31/94 96 MEMORANDUM OPINION AND ORDER
by Judge Royce C. Lamberth: denying motion for recon-
sideration of the order entered 02/15/94 [90-1] by
LEONARD ROLLON CRAWFORD-EL [Entry date
09/01/94]

* * *

United States Court of Appeals for the District
of Columbia Circuit (Case No. 94-7203):

* * *

8/27/96 IN BANC OPINION (30 pgs) for the Court
filed by Judge Williams, CONCURRING OPIN-
ION (19 pgs) filed by Judge Silberman, CON-
CURRING OPINION (12 pgs) filed by Judge
Ginsburg, CONCURRING OPINION (5 pgs)
filed by Judge Henderson, CONCURRING IN
THE JUDGMENT TO REMAND OPINION
(15 pgs) filed by Judge Edwards with whom
Wald, Randolph, Rogers and Tatel, concur.
[94-7203]

8/28/96 JUDGMENT (w memo) to remand case to the
USDC [220310-1]. Before Judges Edwards,
Wald, Randolph. [94-7203]

* * *

APPENDIX B

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

CIVIL ACTION NO. 89-3076

(To be supplied by the Clerk of the District Court.)

[8 NOV 89 — Leave to
file without prepayment
of costs - granted.
/s/ M. Pratt, United
States District Judge]

Leonard Rollon Crawford EL
Fed. Reg. #00936-007
P.M.B. 7007, Creek-B
Marianna, Florida 32446
(Enter above your full name,
prison number and address)

vs.

(1) Patricia Britton, 1923 Vermont Ave.,
N.W., Washington, D.C. 20001
District of Columbia Government
(2) District of Col. Dept. of Corrections
1923 Vermont Ave, N.W., Wash. D.C. 20001
(Enter above the full name and address(es), if
known, of defendant(s), in this action.)

[HARRIS, J. SSH]

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

Instructions for filing a Complaint by a Prisoner Under the Civil Rights Act, 42 U.S.C. Section 1983

This packet contains one copy of a complaint form and one copy of a forma pauperis petition. To start an action, you must file an original and one copy for the Court and one copy for each defendant you name. For example, if you name two defendants, you must file the original and three copies of the complaint. You should also keep an additional copy of the complaint for your own records. *All copies of the complaint must be identical to the original.*

The clerk will not file your complaint if these instructions and these forms are not used.

Your complaint must be clearly handwritten or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space to answer a question, you may use another blank page.

Your complaint can be brought in this Court only if one or more of the named defendants is located within the District of Columbia. Further, you must file a separate complaint for each claim that you have unless they are all related to the same incident or problem.

In order for this complaint to be filed, it must be accompanied by the filing fee of \$120.00. In addition, you must serve a copy of the complaint on each of the defendants in any of the ways provided for in Rule 4, Federal Rules of Civil Procedure.

If you are unable to pay the filing fee and service costs for this action, you may petition the Court to proceed

in forma pauperis. One blank petition for this purpose is included in this packet. This petition should be filed with your complaint.

The law requires that you state only facts in your complaint. **COMPLAINTS CONTAINING LEGAL ARGUMENTS OR CITATIONS WILL NOT BE FILED.**

When these forms are completed, mail the original and the required copies to the Clerk of the United States District Court for the District of Columbia, Third Street and Constitution Ave., N.W., Room 1825, Washington, DC 20001.

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? Yes () No (XX)
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? Yes (XX) No. ()
- C. If your answer to A or B is Yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)
 1. Parties to this previous lawsuit

Plaintiffs: Leonard Rollon Crawford EL, P.M.B.
70007, Creek-B, Marianna, Florida 32446

Defendants: Dr. Dugdale MD., et., al., P.O.
Box 900, Steilacoom, Washington 98388
 2. Court (if federal court, name the district; if state court, name the county): United States District Court for the Western District of Washington at Seattle 98104

3. Docket Number: C-89-360 TB
4. Name of judge to whom case was assigned:
Unknown
5. Disposition (for example: was the case dismissed?
Was it appealed? Is it still pending?) Pending
6. Approximate date of filing lawsuit: July 19, 1989
7. Approximate date of disposition: Unknown

II. PLACE OF PRESENT CONFINEMENT: Federal
Correctional Institute, P.M.B. 7007, Marianna,
Florida 32446

- A. Is there a prisoner grievance procedure in this
institution? Yes (XX) No () If your answer
is Yes, go to Question II B. If your answer is
No, skip Question II B, C and D and go to
Question II E.
- B. Did you present the facts relating to your com-
plaint in the prisoner grievance procedure?
Yes (XXX) No ()
- C. If your answer is Yes to Question II B
 1. To whom and when did you complain? Unit
Counselor
 2. Did you complain in writing? (Furnish copy of
the complaint you made, if you have one). Not
Necessary Here an inmate can visit his coun-
selor.
 3. What, if any response, did you receive? (Fur-
nish copy of response if in writing). Counselor
advised me to contact D.C. Department of Cor-
rections because I am allowed both my prop-
erty and all legal material relevant to current
cases.

4. What happened as a result of your complaint?
I wrote to Mr. Walter B. Ridley, Director D.C.
Dept. of Corr. & Patricia Britton Coord. Sp.
Proj. informing them of this and requesting
that my legal materials and property be recov-
ered and mailed to me here both on my own
and with the assistance of two attorneys.
- D. If your answer is No to Question II B, explain
why not. _____
- E. If there is no prison grievance procedure in the
institution, did you complain to prison author-
ities? Yes () No ()
- F. If your answer is Yes to Question II E,
 1. To whom and when did you complain?

 2. Did you complain in writing? (Furnish copy
of the complaint you made, if you have one).

 3. What, if any response, did you receive? (Fur-
nish copy of response if in writing). _____
 4. What happened as a result of your complaint?

III. PARTIES

(In item A below, place your name and prison number in
the first blank and place your present address in the sec-
ond blank. Do the same for additional plaintiffs, if
any.)

- A. Name of Plaintiff: Leonard Rollon Crawford EL
Address: P.M.B. 7007, Marianna, Florida 32446

(In item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and places of employment of any additional defendants.)

B. Defendant: Patricia Britton is employed as Coordinator Special Projects at D.C. Department of Corrections, 1923 Vermont Avenue, N.W., Washington, D.C. 20001

C. Additional Defendants:
The District of Columbia Department of Corrections.
The District of Columbia Government
1923 Vermont Avenue, N.W.
Washington, D.C. 20001

IV. STATEMENT OF CLAIM

(State here as briefly as possible the *facts* of your case. Describe how each defendant is involved. Include the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra sheets if necessary.)

I, Leonard Rollon Crawford EL, Plaintiff Pro se, a lifetime resident of the District of Columbia, presently incarcerated and sentenced under the D.C. Code being held as a D.C. Boarder Inmate at the Federal Correctional Institute located P.M.B. 7007, Marianna, Florida 32446, do hereby present this claim.

Defendant Patricia Britton is not believed to be a resident of the District of Columbia but her principal place of business is located within the District of Columbia

and these alleged acts occurred within the District of Columbia. Defendant Patricia Britton's principal place of business is at the District of Columbia's Department of Corrections Headquarters located at 1923 Vermont Avenue, N.W., Washington, D.C. 20001.

Defendant, The District of Columbia Department of Corrections is an agency of the District of Columbia Government and employs defendant Britton in her official capacity. The D.C. Department of Corrections is responsible for the actions of its employees committed while acting in their official capacity within their employment.

FACTS

Plaintiff, Leonard R. Crawford EL, was transferred from the Maximum Security Facility at Lorton, Va., on December 14, 1988, to the Spokane County Jail in Spokane County, Washington due to overcrowding at the Lorton Facility. On February 2, 1989, plaintiff was transferred to the Washington State Prison System at McNeil Island Correctional Center located P.O. Box 1000, Steilacoom, Wa. 98388. Plaintiff and other D.C. Inmates were to be housed there for a period of a year.

On July 28, 1989, plaintiff was informed by Washington State Prison Officials that all D.C. Prisoners would be returning to Lorton. He was required to carry his property to the property room for boxing to be shipped to him once he reached his destination and requested it in writing to be mailed to him.

On August 9, 1989, plaintiff left the Washington State Prison System supposedly for the return to Lorton, Va. However Plaintiff was flown to the Western Missouri Correctional Center in Cameron, Missouri 64429. One

week later on August 18, 1989, a contingency of D.C. Correction Officers led by defendant Patricia Britton arrived at WMCC to transport plaintiff and other D.C. Prisoners back to Lorton. Before leaving plaintiff spoke directly with defendant Britton regarding his three boxes of personal property and explained his concern due to the large volume of legal material contained therein relevant to current case of his in various courts. Defendant Patricia Britton informed the plaintiff that the reason his property was not sent to him was due to her prior knowledge that he would be in Missouri only a week. She further stated that she had contacted the Washington State Prison Officials and requested that they mail all the D.C. Prisoners Property to her at 1923 Vermont Avenue, N.W., Washington, D.C. 20001 and that they not mail it directly to the inmates at their destinations. She then informed plaintiff that once he reached Lorton his property would be given to him.

On August 19, 1989, plaintiff arrived at the Lorton Maximum Security Facility in Lorton, Va. Fearing that his property would be delayed and thereby cause him not to be able to respond to the Courts or to be able to provide his attorneys with information to assist him he wrote to defendant Britton informing her that he'd been informed that his property had not arrived. Plaintiff further requested that his property be sent to him immediately when it arrived. Plaintiff then wrote to Mr. Walter B. Ridley Director of D.C. Department of Corrections when he noticed other inmates who had returned back from Washington State were receiving their property but he'd not received his. Plaintiff wrote to the Secretary for the District of Columbia.

After plaintiff wrote inquiring about his property he was immediately transferred again on September 7, 1989,

to the Federal Bureau of Prisons, F.C.I. Petersburg, Va. While at F.C.I. Petersburg, Va. Plaintiff learned that defendant Britton had contacted plaintiff's brother in law, Mr. Jesse Carter, who does work at the D.C. Department of Corrections and is employed by the D.C. Government and cajoled him into picking up all of Plaintiff's property including all of his necessary legal materials. Plaintiff spoke to Mr. Carter who informed him that defendant Patricia Britton called him and stated that she had spoke with plaintiff and that plaintiff was very concerned about his property and it's legal content. Further that she was afraid that it would get lost between her office and being sent to the Lorton Property Officer to be mailed to plaintiff so would he please do her a favor and pick it up and keep it for plaintiff.

Prior to leaving Lorton's Maximum Security Facility for F.C.I. Petersburg, Va., plaintiff spoke with Property Officer Cpl. R. Ward about his property. Cpl. Ward informed plaintiff that he could not take any property with him to Petersburg, Va., because the Bureau of Prisons would not accept property while an inmate was in transit to his final destination. He then informed plaintiff and the other D.C. Prisoners also being sent to Petersburg, Va. that if they wanted their property sent to him to write him a letter once they reached their final B.O.P. Destination and it would be mailed immediately to them. Cpl. Ward further stated that if you did not want your property to follow you you must sign a form authorizing the D.C. Department of Corrections to release your property to a person of your personal designation. *Plaintiff did not sign a release authorization form for his property to be given to anyone because he wanted it mailed directly to him for the material was personal and confidential and pertained to his current criminal appeal*

and civil pleadings. It also contained several hundred dollars worth of recently purchased clothing and personal articles.

Plaintiff's first attempt to resolve this matter informally was to request that the unopened boxes of his property be returned to defendant Britton so it could be sent to Lorton's property officer and mailed to him. Mr. Jesse Carter went to see defendant Britton and explained that plaintiff had spoke to him informing him that it was not his wish for him to receive his property and that he would return it to her office. Defendant Britton informed Mr. Carter that she did not see why plaintiff was making such a big fuss about his property because as far as she was concerned plaintiff should be happy she did not throw it in the trash.

Plaintiff contacted his criminal appeal attorney, Mr. Steven Weinberg, Esq., 2141 P St., N.W., Washington, D.C. 20037 and asked him to intervene. Defendant Britton led him to believe that she had been authorized to release defendants property and refused to consider the matter further. Plaintiff next contacted Mr. Robert C. Hauhart, Supervising Attorney for the D.C. Public Defenders Office of Prisoners Rights Program. Def. Britton made no rational statements that would advance her position. Mr. Hauhart then contacted Mr. Paul Quander, Esq., D.C. Corporation Counsel and asked him to intercede. The problem was still not resolved. Mr. Hauhart next wrote to Mr. Arthur Graves, Associate Director for the D.C. Department of Corrections to resolve the issue and no answer was forthcoming. Plaintiff also enlisted the aid of Mr. Jay Alexander, Esq. 2555 M St. N.W., who currently represents plaintiff on a civil matter involving Defendant Patricia Britton and other employees of the D.C. Department of Corrections for violations of plaintiff's civil rights in another matter.

CAUSES

Defendant Patricia Britton as an individual and in her official capacity willfully and intentionally deprived plaintiff of his personal property and legal materials with the intention of preventing him access to the courts. Defendant Patricia Britton as an individual and in her official capacity acted in a conspiracy to deprive plaintiff of his right to adequate representation of counsel through the cajolery of her actions and involvement of others. By denying plaintiff his property and legal materials she sought to make it impossible for plaintiff to assist his attorneys in representing him.

Defendant The District of Columbia Department of Corrections acted willfully to conspire with defendant Patricia Britton to deprive plaintiff of his rights to access to the Courts and Adequate Representation of Counsel after having received many requests to resolve this issue received by it's officials.

The legal material and personal property of plaintiff was the sum total of seven years of his life in prison. All of it accumulated over years in prison and none of it prohibited contraband. By releasing plaintiff's property without authorization defendants Britton and the D.C. Department of Correction's knew that plaintiff would suffer a great loss because while his property could have been sent to him once he reached his final B.O.P. destination by the D.C. Department of Corrections it can not be mailed to him there by a family member. Thus defendant Patricia Britton and Defendant D.C. Department of Corrections intentionally subjected plaintiff to both cruel and unusual punishment and denied him equal protection under the law.

The District of Columbia Government shares in defendants responsibility for their actions due to the efforts

made by attorneys representing plaintiff to resolve the matter directed to it's officials namely Paul Quander, Esq., Walter B. Ridley-Director DCDC, Arthur Graves-Associate Director DCDC and Mr. Robert Reeder DCDC and Patricia Britton DCDC.

There is no government interest at stake that would outweigh plaintiff's rights.

V. RELIEF

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

WHEREFORE, the premises considered, the Plaintiff demands judgement against the defendants both in their individual and official capacity in the amount of TWO HUNDRED AND FIFTY THOUSAND DOLLARS PUNITIVE DAMAGES and TWO HUNDRED AND FIFTY THOUSAND DOLLARS COMPENSATORY DAMAGES.

Plaintiff DEMANDS TRIAL BY JURY.

Signed this 24 day of October , 19 89.

/s/ Leonard R. Crawford El
(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

10/24/89
(Date)

/s/ Leonard R. Crawford El
(Signature of Plaintiff)

PUBLIC DEFENDER SERVICE
FOR THE DISTRICT OF COLUMBIA
451 Indiana Avenue, N.W.
Washington, D.C. 20001

September 28, 1989

Paul Quander, Esq.
Assistant Corporation Counsel
D.C. Department of Corrections
1923 Vermont Avenue, N.W.
Room N-102
Washington, D.C. 20001

Re: Kenneth Ward
01429-000, FCI Petersburg
DCDC 184-542

Leonard Crawford
00836-007, FCI Petersburg
DCDC 176-323

Dear Paul,

I am writing on behalf of and in reference to Messrs. Ward and Crawford. Both have contacted me with reference to the actions of Department officials in depriving them of their personal and legal property upon return from Washington State.

Specifically, both Mr. Ward and Mr. Crawford have advised me they have requested the appropriate Department official, Ms. Britton, to make their legal property available to them at their present location, and direct their personal property — all of it accumulated over years in prison and none of it prohibited contraband — to them either now or upon final designation. It is my

understanding from letters and conversations with my clients, and conversations and correspondence with Jay Alexander, Esq., Miller Cassidy, Larroca, and Lewin, that Ms. Britton has declined to provide Mr. Ward and Mr. Crawford, and others in similar circumstances, with their legal materials, and has refused to forward their personal property. From my understanding of the reasons given for these decisions, there is no government interest at stake that would outweigh my clients' rights to their legal and personal property, and, indeed, no rational basis has been advanced by Ms. Britton that can withstand any level of scrutiny. Therefore, I strongly urge you to administratively reverse the decisions that are presently governing control and disposition of these individuals legal and personal property.

Due to the gravity of this matter, and the high likelihood of litigation to resolve this issue if the Department refuses to alter its present policy and course of behavior, I must ask you to provide me your answer in writing within ten (10) days of the date of my letter.

Very truly yours,

/s/ Robert C. Hauhart
Robert C. Hauhart
Supervising Attorney

RCH:dsr

cc: Kenneth Ward
Leonard Crawford
Jay Alexander, Esq.

Mr. Leonard R. Crawford EL
Fed. Reg. #00936-007
F.C.I. Marianna
100 F.C.I. Road, PMB 7007
Marianna, Florida 32446

September 28, 1989

Mr. Walter B. Ridley
Director D.C. Department of Corrections
1923 Vermont Avenue, N.W.
Washington, D.C. 20001

Dear Mr. Ridley,

When I returned from the McNeil Island Correctional Center in Steilacoom, Washington, I wrote you regarding my personal property along with writing Patricia Britton - Coordinator Special Projects. In my letters I explained clearly to you that I wanted my property sent to me directly due to the contents of that property and its relevance to my ongoing current legal cases in the courts. Both you and Patricia Britton ignored these letters contents.

Before leaving Lorton's Maximum Security Facility I informed Cpl. Ward the property officer there that I knew the Federal Bureau of Prisons does not accept property while in transit or a holdover and would therefore request that my property be mailed to me upon reaching my destination. I left Lorton on September 7, 1989 and arrived here at my destination on September 25, 1989.

Since I left I now am given to understand that something has gone amiss with my property. I was never notified that my property had arrived, I was not consulted about what I wanted to do with it, I did not sign a

Property Release Authorization Form and all of this has occurred in less than a thirty day period.

Therefore I am respectfully requesting that you have your underling Patricia Britton locate, recover and mail my boxes of property to me here at F.C.I. Marianna. The property Officer here has explained that I may keep all of the property contained therein that is approved for this F.C.I. Nearly all of the property I have in those boxes will be accepted and that which is not I am informed will be mailed to the person of my designation.

Sincerely

/s/ Leonard R. Crawford EL
Leonard R. Crawford EL

cc: Attorney

PUBLIC DEFENDER SERVICE
FOR THE DISTRICT OF COLUMBIA

451 Indiana Avenue, N.W.
Washington, D.C. 20001

October 10, 1989

Mr. Arthur Graves
Associate Director
D.C. Department of Corrections
1923 Vermont Avenue, N.W.
Room N-102
Washington, D.C. 20001

Re: Kenneth Ward
01429-000, FCI Petersburg
DCDC 184-542

Leonard Crawford
00836-007, FCI Petersburg
DCDC 176-323

Dear Mr. Graves:

On October 6, 1989, I spoke with Mr. Reeder of your office regarding property of the above two residents. Earlier I had set forth my concerns in a letter to Paul Quander. Mr. Reeder suggested I forward a copy of that letter to you.

Mr. Reeder stated that to the best of his knowledge residents returning from Washington State would have their property forwarded by the Department to their final BOP destination. This is the goal I seek on behalf of Mr. Crawford and Mr. Ward, as my letter to Mr. Quander makes clear. I assume this constitutes a reversal of the policies being pursued by Ms. Britton which were the source of my complaint. Please advise me at your

convenience if Mr. Reeder is correct so I may advise my clients of the policy the Department contends to follow.

Very truly yours,

/s/ Robert C. Hauhart
Robert C. Hauhart
Supervising Attorney

RCH:dsr

Enclosure

cc: Kenneth Ward
Leonard Crawford

Mr. Leonard R. Crawford EL
Fed. Reg. NO. 00936-007
F.C.I. Marianna
P.M.B. 7007
Marianna, Florida 32446

October 18, 1989

D.C. Corporation Counsel
1923 Vermont Avenue, N.W.
Washington, D.C. 20001

Dear Counsel,

I am writing your office in an effort to resolve a matter in dispute between myself and the D.C. Department of Corrections for the loss of my personal property and violations of my constitutional rights. The property itself has not disappeared but it was intentionally released without authorization by Patricia Britton to prevent me from having access to the courts by removing all of my legal records from my possession.

Patricia Britton is Coordinator for Special Projects for the D.C. Department of Corrections and is involved in the transfer of D.C. Inmates. She is also one of several persons being named in a suit by the D.C. Inmates who were transferred to the Spokane County Jail in December 1988. On August 9, 1989 I was transferred from the Washington State Prison System to Missouri. On the 18th Ms. Britton and D.C. Corrections Officers came to Missouri to transfer D.C. prisoners back to Lorton Prison. At that time I questioned her regarding the whereabouts of my property. She informed me that she asked Washington State not to follow normal procedures which is mailing it directly to the inmate but to instead mail it to her at 1923 Vermont Avenue, N.W., D.C. She further

assured me that my property would be given to me at Lorton. Upon arrival at Lorton this was not done and I wrote her and the director urging them to send it directly to me due to the large volume of legal material contained therein relevant to current pending civil and criminal appeals and cases.

I was transfered from Lorton to the Federal Bureau of Prisons on September 7, 1989. Two weeks later I was informed that Ms. Britton had misled my sisters husband who worked for the D.C. Government and Department of Corrections into believing that I wanted her to give my property to him. I did not want him nor anyone else to pick it up but instead for it to be mailed to me here.

When I attempted to resolve this informally through my attorney Ms. Britton stated that she would not recover the three boxes of property and mail them to me here at Marianna F.C.I. She further claimed that the Federal Bureau of Prisons would not accept the property of D.C. Inmates. I spoke with several officials of the Federa. B.O.P. and all informed me that while the B.O.P. does not accept an inmates property while in transit or in holdover status, the inmates property may be mailed to him when he reaches his destination.

The D.C. Department of Corrections policy requires that when an inmates property is released whether it be to his wife, mother, father, etc., that the inmate be required to sign a witnessed Property Release Form authorizing the release of the property to the party designated on the form. Patricia Britton argues now that she had strict orders from the Director Mr. Walter B. Ridley to dispose of the property within 30 days. Even so if that were true I left Lorton on September 7, 1989, and according to officials at the prison my property had not reached the D.C. Department of Corrections. I arrived

at my final destination on September 25, 1989. Given the benefit of doubt that my property did not reach the D.C. Department of Corrections until exactly the 7th, the time between the 7th and my arrival of the 25th is less than a 30 day period.

I would hope that your office could convince the D.C. Department of Corrections to have the property belonging to me returned to them and then mail it to me under seal of the D.C. Department of Corrections here. If this can not be accomplished within the next two weeks then I will file suit. The Federal Bureau of Prisons will not accept property from an inmates family. Therefore Mr. Britton knew that she was effectively causing me the loss of the property and preventing me from addressing the courts as well as in assisting my attorneys to adequately represent me.

Your response is awaited and hopefully this matter will be resolved in the next two weeks. Enclosed you will find a copy of my notice of intent to file suit and a letter to Mr. Walter B. Ridley, Director D.C.D.C.

Sincerely

/s/ Leonard R. Crawford EL
Leonard R. Crawford EL

cc: Mr. Robert Hauhart, Atty
Mr. Jay Alexander, Atty

STEINMETZ, WEINBERG & MOATS
2141 P Street, N.W., Suite 103
Washington, D.C. 20037

October 12, 1989

Mr. Leonard Crawford EL
Fed. Reg. #00936-007
P.M.B. 7007
Marianna, Florida 32446

Re: Crawford v. U.S.

Dear Leonard:

I'm sorry to hear about the difficulties you have encountered recovering your property and the loss of your files.

In reference to the cost of replacing your entire file concerning your arrest, trial, conviction and appeal, I would estimate that the cost would be approximately \$500.00.

If you need any further information, please let me know.

Very truly yours,

/s/ Steven Weinberg
Steven Weinberg

STEINMETZ, WEINBERG & MOATS
2141 P Street, N.W., Suite 103
Washington, D.C. 20037

September 26, 1989

Mr. Leonard Crawford EL
#00936-007
P.O. Box 1000
Petersburg, Virginia 23804-1000

Re: Crawford v. U.S.

Dear Leonard:

I spoke with Robert Hauhart yesterday and he informed me that he is writing you a letter in response to your letter to him, explaining that the D.C. City Council passed legislation which has closed the "loophole" uncovered by Judge Green, thereby preventing you from benefitting from her decision.

Today I spoke with Pamela Britton, who informed me that your family picked up your property last week.

I will let you know about any progress on your appeal. I am currently waiting for the transcript from the 23-110 hearing to be completed.

If you have any questions, please let me know.

Very truly yours,

/s/ Steven Weinberg
Steven Weinberg

Enc.

APPENDIX C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

C.A. 89-3076 (RCL)

April 6, 1990

LEONARD R. CRAWFORD EL
Plaintiff Pro Se

v.

PATRICIA BRITTON, et al.,
Defendants.REQUEST FOR PRODUCTION OF
DOCUMENTS ETCs UNDER
RULE 34 FED. RULES CIVIL PROCEDURE

Plaintiff Leonard R. Crawford El, Pro Se, requests defendants respond within 30 days to the following requests.

1. The contract between the District of Columbia, D.C. Department of Corrections and the Washington State Prison System and between the District of Columbia and the D.C. Department of Corrections and the Western Missouri Correctional Center and the agreement between the D.C. Department of Corrections and the Federal Bureau of Prisons regarding the housing of D.C. Code offenders in effect between 1988 and up to and including 1990.
2. All records, reports, progress reports and communications between any official in the D.C. Department

- of Corrections in reference to Plaintiff, to officials in the Washington State Prison System, Western Missouri Correctional Center and the Federal Bureau of Prisons or any of its Agencies.
3. D.C. Department of Corrections Rules, Regulations and policy regarding the handling of inmates property, legal material, etc.
 4. D.C. Department of Corrections Rules, policy or Regulations defining an inmates immediate family members.
 5. All letters, memos, correspondence received concerning Plaintiffs property and legal material from Plaintiff or Plaintiffs representatives and responses thereto.
 6. D.C. Department of Corrections property release authorization form in effect between August 19, 1989 and September 7, 1990.
 7. Job descriptions of all positions held or previously held by Defendant Britton during her employment with the D.C. Department of Corrections.
 8. All lawsuits or pleadings received naming Defendant Patricia Britton as a defendant or party thereto.
 9. All records of Defendant Patricia Brittons employment with the D.C. Department of Corrections.
 10. Description of all training Defendant Britton has received in connection with her employment with the D.C. Department of Corrections.
 11. All inmate complaints or grievances filed against Defendant Britton during her employment with the D.C. Department of Corrections.
 12. Government bill of lading or frieght records regarding shipping and receipt of Plaintiffs property from Washington State to D.C. Department of Corrections.

13. All persons names involved in the processing of Plaintiffs present claims working in the D.C. Department of Corrections including consultants on legal or constitutional issues.
14. Form(s) authorizing Patricia Britton to release Plaintiffs property to Jesse Carter without Plaintiffs consent.

/s/ Leonard R. Crawford El
 Leonard R. Crawford El
 Plaintiff Pro Se
 1901 D St SE (SE-2)
 Washington, D.C. 20003
 176-323

[Certificate of Service Omitted In Printing]

APPENDIX D

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

NO. 89-3076 (RCL)

April 6, 1990

LEONARD R. CRAWFORD EL

Plaintiff Pro Se

v.

PATRICIA BRITTON, et al.,

Defendants

PLAINTIFF'S FIRST INTERROGATORIES TO DEFENDANT PATRICIA BRITTON, et al.

Pursuant to Rule 33 Fed. Rules Civil Procedure Plaintiff, Leonard Rollon Crawford-El Pro Se request that defendant Patricia Britton respond within 30 days to the following interrogatories:

1. What is your full name, date of birth, place of birth, age, social security no., marital status and number of children?
2. Where do you presently reside and what were your addresses for the past ten (10) years?
3. What schools, colleges, or universities have you attended and what are the dates which you attended each and the diploma, certificate or degree obtained and the date obtained from each?

4. What is your current occupation and what are the duties and responsibilities of your current occupation?
5. What other jobs, employment or occupation have you held for the past ten years, length of time working at each and reason for changing employment?
6. What courses or studies have you completed in connection with your current and past jobs, employment or occupations?
7. Have you ever been arrested and/or convicted of a violation of the law whether felony, misdemeanor or traffic violation?
8. Have you ever been sued before in either your individual or official capacity in connection with your employment and if so state the name of the court, case number, disposition or status and cause of action brought against you and any other party to the suit?
9. Have you ever been reprimanded or transferred in connection with any implication of wrong doing or inappropriate action on your part while performing the duties and responsibilities of your job or office and if so list each and the dates of occurrence?
10. Were you working as a classification officer at the Lorton Occoquan facilities in 1985 and 1986?
11. When was the first time you interviewed, spoke with, treated or assisted in treating plaintiff in a professional capacity in 1985 or 1986?
12. Did there ever come a time in 1985 and 1986 when you admonished Plaintiff for having attorneys and news reporters for friends and listed on his approved visiting list?

13. Did you cause or recommend plaintiff to be transferred to Lorton Central Facility in 1985 or 1986?
14. In your capacity as Plaintiffs classification officer in 1985 and 1986 did you and were you required to completely review plaintiffs records?
15. On the night of December 14, 15, 1988 did you accompany Plaintiff and other D.C. inmates on a flight to Spokane Washington and during the course of that flight was Plaintiff among the D.C. inmates videotaped without their written consent thereby resulting in a lawsuit naming you as a Defendant?
16. When did you learn that Plaintiff was to be returned to the Lorton Facility from the Washington State Corrections System?
17. Did you contact Washington State Prison officials and request that Plaintiffs property be sent to you and if so to whom did you speak to or write requesting this and when did this occur?
18. When was Plaintiffs property actually received by the D.C. Department of Corrections and did you notify Plaintiff in writing and give him the opportunity to designate a place where it should be sent (include all copies of correspondence and proof of mailing and receipt of mail)?
19. On August 18-19, 1989 did you accompany D.C. Corrections officers to the Western Missouri Correctional Center in Cameron Missouri and did you speak to Plaintiff at any time during August 18-19, 1989?
20. When did you contact Jesse Carter of 4241 58th Ave #9, Bladensburg Md 20710 and did you have a signed authorization by Plaintiff to release his property to Mr. Carter in your possession?

21. According to D.C. Department of Corrections Rules, Regulations and policy what is the definition specifically of an inmates immediate family and did Jesse Carter meet the criteria for an immediate family member?
22. When did Jesse Carter first notify you that Plaintiff did not wish for him to take possession of his property and what action if any did you take to recover Plaintiffs property and legal material from Jesse Carter and when was this action taken?
23. Did you have occasion to speak with or receive letters from attorneys Robert Hauhart, Jay Alexander and Steven Wienberg regarding Plaintiffs desire to have his property and legal material sent to him and when did these conversations take place and what action did you take to restore Plaintiffs property and legal material to him and when?
24. When you were contacted by Plaintiff, Jesse Carter or attorneys represently Plaintiff did you ever personally contact Plaintiff to resolve this problem and to get his legal material to him?
25. How many days had passed between the time you received or the D.C. Department of Corrections received Plaintiffs property and you released it to Jesse Carter?
26. Did you ever contact officials at F.C.I. Marianna Florida to ascertain whether or not you could mail Plaintiffs property and legal materials to him and if so to whom did you speak, what was there response and on what dates did you speak to each or any official there?
27. Why was Plaintiff transfered to the B.O.P. while other D.C. inmates returned from Washington State and

returned to Lorton with Plaintiff were allowed to remain at the D.C. Correctional facility in Lorton Va.?

28. When Plaintiff left Western Missouri Correctional Center did you or any of the D.C. Correction officers making the transfer inventory the personal property Plaintiff accumulated during his one week stay and why or why not?
29. Were you ever instructed on the United States Constitution and it amendments in connection with your employment with the D.C. Department of Corrections and the fundamental rights of inmates?

Submitted By

/s/ Leonard R. Crawford El
 Leonard R. Crawford El
 Plaintiff Pro Se
 1901 D St SE
 Washington, D.C. 20003
 #176-323

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APPENDIX E

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Civil Action No. 89-3076 (RCL)

LEONARD ROLLON CRAWFORD EL,
Plaintiff,

v.

PATRICIA BRITTON, et al.,
Defendants.

AFFIDAVIT

I, Patricia Britton, being first duly sworn, depose and say as follows:

1. I am employed as Coordinator, Special Projects, D.C. Department of Corrections.

2. My responsibilities include arranging for the transfer of inmates from the District of Columbia, Correctional Facilities to out-of-state correctional institutions, including Federal Bureau of Prison's (FBOP) Federal Correctional Institutions (FCI).

3. As part of my responsibilities I coordinated the movement of District of Columbia prisoners from the Washington State Correctional System to the Western Missouri Correctional Center, in August 1989. Plaintiff Leonard Rollon Crawford El was among them.

4. Because the Missouri facility determined that it could retain only twenty of the District of Columbia

inmates in the August 9, 1989 transfer, the rest, including Crawford El, were moved to Lorton within a week.

5. I had plaintiff Crawford El's property sent by the Washington state facility to my office at the District of Columbia Department of Corrections, in order to minimize the possibility of it being lost. The same was done with the property of the other prisoners who, with the plaintiff, were transferred from Washington state. My experience has been that this procedure is the best to keep prisoner's property from getting lost during transfers.

6. Shortly after the Missouri's facility informed us which prisoners it would not keep, a decision was made as to where they would go. Plaintiff Crawford El was among these. It was decided that he, among others, would be transferred to the Federal Bureau of Prisons at Marianna, Florida. The decision to move some of the inmates returning from Missouri to the Federal Bureau of Prison was made prior to returning the inmates housed in Missouri back to Lorton.

7. Plaintiff Crawford El's property arrived in my office, sealed, from the Washington facility *after* plaintiff had departed Lorton for the Federal Bureau of Prisons at Petersburg, Virginia on his way to his destination in Marianna, Florida.

8. By the time plaintiff's property arrived at my office, we had been advised by the Federal Bureau of Prisons that they would not accept the personal property of the prisoners.

9. I was aware that plaintiff's brother-in-law, Mr. Jesse Carter, worked in the Department of Corrections. I contacted Mr. Carter. I explained to Mr. Carter the situation and asked him if he would take plaintiff's boxes to Mr.

Crawford El's family. Carter willingly, voluntarily and without reticence took plaintiff's three sealed boxes of personal property. I did not force or cajole Mr. Carter into taking the boxes. Mr. Carter picked them up on October 5, 1989.

10. Mr. Carter never asked me to take plaintiff's boxes of property back.

11. I asked Mr. Carter if he would take plaintiff's personal property, only to insure its safety and protection from loss, and for no other reason whatsoever.

12. I do not recall plaintiff telling me that there were legal documents in his personal property, nor did I have knowledge of the contents of the three sealed boxes.

13. To the best of my knowledge, Mr. Carter delivered plaintiff's property to plaintiff's mother, and plaintiff's mother sent the property to plaintiff around January 24, 1990.

/s/ Patricia Britton
PATRICIA BRITTON

Subscribed and sworn to before me this 26th day of March, 1990.

/s/ Gloria D. Thoxton-Fox
NOTARY PUBLIC

My Commission Expires: DEC 15 1993

APPENDIX F

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Civil Action No. 89-3076 (RCL)

LEONARD ROLLON CRAWFORD EL,
Plaintiff,

v.

PATRICIA BRITTON, et al.,
Defendants.

AFFIDAVIT

I, Jesse Carter, being first duly sworn, depose and say the following:

1. I am employed by the D.C. Department of Corrections in the Redevelopment Land Agency Program.

2. I am the brother-in-law of Leonard Rollon Crawford-El, and I know that said Mr. Crawford-El personally.

3. I think about August or September, 1989, Ms. Patricia Britton contacted me, requesting me to take from her about three or more boxes of property belonging to Mr. Crawford-El for delivery to him.

4. I think about August or September, 1989, I willingly took the said boxes of property from Ms. Britton and delivered same to Mr. Crawford's mother.

5. I thereupon notified Mr. Crawford of the delivery of the said boxes to his mother.

6. I returned to Ms. Patricia Britton and told her that Crawford-El informed me that they would give him his property; Ms. Britton still felt that the prison would not take the property.

7. I was informed by his mother that the boxes were mailed to Mr. Crawford on January 24, 1990.

/s/ Jesse Carter
JESSE CARTER

Subscribed and sworn to before me this 16th day of March, 1990.

/s/ Gloria D. Thoxton-Fox
NOTARY PUBLIC

My Commission Expires: DEC 15 1993

APPENDIX G

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CA NO. 89-3076

LEONARD ROLLON CRAWFORD-EL

PLAINTIFF PRO SE

V

PATRICIA BRITTON, ET AL.

DEFENDANT

MOTION FOR LEAVE TO AMEND COMPLAINT
FOR VIOLATIONS OF CIVIL RIGHTS
PURSUANT TO RULE 15(a)
FED. RULES CIVIL PROCEDURE

COMES NOW, PLAINTIFF LEONARD ROLLON CRAWFORD EL, PRO SE AND MOVES THIS HONORABLE COURT TO ALLOW HIM TO AMEND THE ORIGINAL COMPLAINT FILED NOVEMBER 9, 1989

STATEMENT OF FACTS

1. Plaintiff is a D.C. Code Offender currently serving his sentence at the Federal Correctional Institute in Marianna, Florida and held per writ at the D.C. Detention Facility pending future hearings upon the matter at bar.
2. Plaintiff is a *Pro se* Prisoner who is without the advantages of legal training that might have assist him in making out a more complete complaint.

3. Plaintiff wishes to amend his original complaint to comply with Siegert v. Gilley 895 F2d 797 (D.C. Cir. 1990) and to allege his direct evidence of defendant Britton's unconstitutional intent.

4. Further to specify in his amended complaint exactly what harm has befallen him as a result of his legal documents being deprived him, as well as any other harm that occurred because of the handling of his property.

Prayer

WHEREFORE, upon consideration of the above plaintiff prays he be allowed to amend the complaint.

Respectfully Submitted

/s/ Leonard Rollon Crawford El
Leonard Rollon Crawford El
Plaintiff Pro se
c/o D.C. Detention Facility
1901 D Street, S.E.
Washington, D.C. 20003
DCDC# 176-323

[Certificate of Service Omitted in Printing]

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

C.A. NO. 89-3076 (RCL)

LEONARD ROLLON CRAWFORD EL

PLAINTIFF PRO SE

V.

PATRICIA BRITTON, ET AL

DEFENDANT

AMENDED COMPLAINT FOR
VIOLATIONS OF CIVIL RIGHTS
UNDER 42 U.S.C. 1983

JURISDICTION

1. This action is founded on the Constitution of the United States, 42 U.S.C. and the Common Law of the District of Columbia.
2. The Court has jurisdiction over the Federal Causes of Action set forth in the Complaint under 28 U.S.C. 1331 and 1343. This Court has jurisdiction over the Common Law Cause of Action set forth herein under the Doctrine of Pendent Jurisdiction, since it arises from a common nucleus of operative facts with federal causes at action and one would ordinarily be expected to try all of the causes of action in one judicial proceeding.
3. This Court has venue over the causes of action set forth in the complaint under 28 U.S.C. 1391.

PARTIES TO ACTION

4. Leonard Rollon Crawford EL, is a lifetime resident of the District of Columbia. He is the Plaintiff acting Pro se and is serving a sentence under the D.C. Code at the Federal Correctional Institute located PMB 7007, Creek B, Marianna, Florida 32446.

5. Defendant Patricia Britton is an official of the D.C. Department of Corrections and the Acting Interstate Contract Compact Administrator. Her principal place of business located within the District of Columbia at the D.C. Department of Corrections, 1923 Vermont Avenue, N.W., Washington, D.C. 20001.

STATEMENT OF FACTS

6. On Sunday April 20, 1986, The Washington Post published a news article concerning the D.C. Jail Crisis and the resulting overcrowding at the Lorton Occoquan Facility where plaintiff was being held and had organized and headed an inmate grievance committee seeking better living conditions for inmates.

7. Before and at the time of the publishing of the article Defendant Britton was employed by the D.C. D.O.C. and worked at the Lorton Occoquan Facility where plaintiff was held. In her official capacity as a Classification and Parole Officer she came into regular contact with plaintiff who was assigned to her caseload there.

8. Immediately after the article was published defendant ordered plaintiff brought before her in her office. Once there plaintiff was confronted by Britton who was visibly upset. Defendant Britton chastised plaintiff for his role in helping the reporters write the article and threatened to transfer him. She accused plaintiff of rigging it so that the Post reporters came into the institution without

her knowledge or consent. At that point plaintiff showed defendant Britton where he had properly submitted the reporters names, listing their addresses as 1150 15th St., N.W., Washington, D.C. 20071, which is the address of the Washington Post Building in D.C. Defendant became enraged and accused plaintiff of tricking her whereby plaintiff pointed out to defendant Britton that he had not tricked her. The reporters were friends of his and the addresses were provided before hand and all that really occurred was that she (Defendant Britton) had not done her job which was to verify names and addresses of visitors but instead rubber stamped the visit application made by plaintiff.

9. Defendant Britton made a telephone call trying to get plaintiff placed in the hole and when she could not told plaintiff that so long as he was incarcerated she was going to do everything she had to to make it as hard for him as possible as a result of his having met and spoke with the reporters and for allegedly embarrassing her before her coworkers thru the article. Defendant Britton had plaintiff transferred to Central.

10. Plaintiff was transferred from the Lorton Maximum Security Facility to the Spokane County Jail on December 14-15, 1989. On December 17, 1989 plaintiff was quoted several times in another Washington Post article criticising the sudden move. Subsequently plaintiff was locked down and officials there informed him that Defendant Britton had told them Plaintiff was a "Troublemaker".

11. On July 28, 1989 Plaintiff was informed that he would be returning to Lorton. Instead of being sent directly back to Lorton he was sent instead to the Western Missouri Correctional Center, located Cameron Missouri on August 9, 1989. When plaintiff arrived at

Lorton on August 19, 1989, his property including his legal material concerning on-going cases did not arrive despite plaintiffs numerous inquiries to defendant Britton and to the Director of the D.C. Department of Corrections before his journey and after his arrival as to the contents of the property and the necessity for plaintiff to have the legal material contained therein.

12. On September 7, 1989, Plaintiff was transferred from Lorton to the Federal Bureau of Prisons at Petersburg, Virginia without first receiving his legal material and after having again requested to have his legal material and property, before leaving Lorton.

13. While at Petersburg plaintiff learned that Defendant Britton through an arbitrary abuse of her powers and in direct violation of D.C. DOC rules contacted plaintiff's brother in law without plaintiff's permission and arranged for plaintiff's brother in law to receive his all of his property including his legal material. Since this was done personally by Defendant Britton the mishandling of plaintiff's legal papers was not a bureaucratic error.

14. Defendant Britton refused all of plaintiffs pleas for the return of his legal material and property even though plaintiff enlisted the aide of several attorneys.

15. Plaintiff finally recovered his legal material and property eight months later after having had to fight and win a discrimination complaint against the warden at FCI Marianna for denying him to receive it due to the circumstances. As a result plaintiff has also won the disfavor of the staff at FCI Marianna.

16. Plaintiff incorporates all of the stated facts of the original complaint into his amended complaint.

CAUSES

17. Defendant Britton as an individual and in her official capacity willfully and intentionally deprived plaintiff of his legal materials and personal property with the intention of interfering with his right to access to the courts and thereby causing plaintiff to suffer the following injuries:

plaintiff had to spend money to obtain underwear, tennis shoes, soft shoes, cosmetics and legal supplies during the eight months he was deprived of his property and legal materials;

when plaintiff was finally able to receive his property he incurred the cost of having 3 very heavy boxes loaded with legal materials and law books to him from D.C. to Florida first class mail;

plaintiff had brought pro se civil actions in Maryland and Washington State, he had filed administrative tort claims for injury and loss of property during transfer and had all of the supporting evidence of these actions which were of a very important minor and major consideration to his efforts in the property which was deprived him by defendant and made it impossible for him to proceed in an organized manner;

plaintiff suffered emotional trauma and duress, mental anguish and frustration, loss of sleep, worry, vexation, concern about future events, the possibility of procedural default in his pro se civil cases;

plaintiff was prevented from assisting his attorneys in representing him in a adequate way in that he was not able to refer to his records and notes and help his lawyers to make decisions effecting his future;

plaintiff was denied the emotional comfort of having photos of his loveones while separated;

plaintiff's filing of several small claims in D.C. was delayed unnecessarily;

defendant Brittons actions were the proximal cause of the dismissal of one pro se case entitled Crawford el v. Shapiro et at, 89-2060 JFM USDC/MD

and because of defendants Brittons actions plaintiff and his family were injured in that harsh feelings were felt toward plaintiff's brother in law for allowing himself to be cajoled by defendant into receiving his legal material without permission.

18. Defendant Britton deprived plaintiff of his legal material with the intent of interfering with his access to the courts in violation of the Sixth Amendment and in violation of the Fifth amendment due process right.

19. In so doing Defendant Britton denied plaintiff equal treatment under the 14th amendment and subjected him to cruel and unusaul punishment in violation of the 8th amendment.

Prayer

WHEREFORE THE PREMISES CONSIDERED THE PLAINTIFF DEMANDS JUDGEMENT AGAINST THE DEFENDANT BOTH IN HER INDIVIDUAL AND OFFICIAL CAPACITY IN THE AMOUNT OF FIFTY THOUSAND DOLLARS PUNITIVE AND FIFTY THOUSAND DOLLORS COMPENSATORY DAMAGES. PLAINTIFF DEMANDS A TRIAL BY JURY.

Respectfully Submitted

/s/ Leonard Rollon Crawford El
Leonard Rollon Crawford El

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APPENDIX H

Government of the District of Columbia
DEPARTMENT OF CORRECTIONS
Suite N-102
1923 Vermont Avenue, N.W.
Washington, D.C. 20001

[SEAL]

JAN 09 1990

Mr. Robert C. Hauhart
Supervising Attorney
Public Defender Service
451 Indiana Avenue, N.W.
Washington, D.C. 20001-2775

Dear Mr. Hauhart:

This responds to your December 20, 1989 correspondence relative to inmate property.

As pointed out in the attached letter dated December 22, 1989 from Mr. P.S. Wise, Administrator, Correctional Programs Branch, Bureau of Prisons, clear guidance regarding the processing of property of DOC inmates who are transferred to federal custody is provided.

We are therefore moving with deliberate speed to dispatch inmates property, including the four (4) individuals cited in your correspondence, in compliance with mentioned direction given by the Bureau of Prisons.

As always, we appreciate your helpful intervention into this issue of mutual concern.

Sincerely,

/s/ Paul A. Quander, Jr.
Paul A. Quander, Jr.
Acting Deputy Director

Attachment

APPENDIX I

DEC 21 1989

Robert H. Reeder, Acting Chief
Case/Unit Management (N-117)
D.C. Department of Corrections
1923 Vermont Avenue, N.W.
Washington, D.C. 20001

Dear Mr. Reeder:

Pursuant to your telephonic request, please accept this letter as clarification relative to personal property of DCDOC inmates who transfer to BOP custody.

As has been our past practice, inmates transferring from DCDOC to BOP custody are permitted only a small amount of personal property which should be limited to personal care items and legal documents. This practice has been necessary based upon significant differences between DCDOC and BOP property politics and differences among individual BOP facilities. In special cases, we ask that DCDOC contact individual facility Inmate Systems staff for permission prior to mailing any inmate personal property to a BOP facility.

Please feel free to contact me if I may be of additional assistance.

Sincerely,

P.S. Wise, Administrator
Correctional Programs Branch

cc: Correctional Programs
DJDorworth File
GLIngram:DJDorworth:wmd:724-6601:search:reeder

APPENDIX J

PUBLIC DEFENDER SERVICE
FOR THE DISTRICT OF COLUMBIA
451 Indiana Avenue, N.W.
Washington, D.C. 20001-2775

December 20, 1989

Paul Quander, Esq.
Acting Deputy Director
D.C. Department of Corrections
1923 Vermont Avenue, N.W.
Room N-102
Washington, D.C. 20001

Re: Kenneth Ward
BOP No. 01429-000
USP Terre Haute, Indiana
Leonard Crawford-El
DCDC 176-323
BOP No. 00836-007
FCI Marianna, Fla.

James Neal
BOP No. 07216-000
USP Leavenworth, Kansas
Edward Ashford
BOP No. 02181-000
USP Terre Haute, Indiana

Dear Paul,

I am writing again on behalf of the above D.C. prisoners, now assigned to federal institutions, since I have heard no further from you since my letter of November

21, 1989 (copy enclosed) and a brief phone conversation on December 4, 1989. Briefly, each of the above residents is waiting to receive some or all of their property. I have set forth their individual circumstances below so that you may easily direct appropriate staff to arrange for locating and properly forwarding their respective property. Hopefully, that should end this matter. Please direct Mr. Reeder, Ms. Britton, or other Department staff to advise me in *writing* the dates on which the property has been forwarded. Correspondingly, I have instructed my clients to advise me when all property due has been received. Alternatively, my clients know to file "notice of intent to sue" letters pursuant to D.C. Code § 12-309 and will pursue the matter in an appropriate proceeding if their property is not received.

Thank you for your attention to this matter.

Very truly yours,

/s/ Robert C. Hauhart
Robert C. Hauhart
Supervising Attorney

RCH/dsr
Enclosure

cc: Kenneth Ward
Leonard Crawford-El
James Neal
Edward Ashford

Kenneth Ward: 2 boxes of property received on 12-18-89; 2 boxes missing (contents: legal materials/legal mail and personal pictures and memorabilia)

Leonard Crawford: property released without permission to Jesse Carter (brother-in-law), 4241 58th Ave, Apt.

9, Bladensburg, Md. 20710, (301) 277-0675; Department needs to obtain property improperly released and forward, consistent with treatment now accorded other residents.

James Neal: 3 boxes of property sent back to D.C. from Walla Walla, Wa., plus 1 box of property sent back from Shelton Wa; none received to date.

Edward Ashford: property from Walla Walla, Wa and Shelton, Wa.; none received.

APPENDIX K

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Civil Action No. 89-3076 (RCL)

LEONARD ROLLON CRAWFORD-EL

Plaintiff,

v.

PATRICIA BRITTON

Defendant.

DEFENDANT PATRICIA BRITTON AND
NON-PARTY DISTRICT OF COLUMBIA'S
MOTION FOR RECONSIDERATION
OF THE COURT'S OF MAY 10, 1990

Defendant Patricia Britton and the District of Columbia (non-party) move the Court to reconsider its order of May 10, 1990, insofar as it denied defendant Patricia Britton's motion to dismiss and directed her to respond to plaintiff's outstanding discovery requests, and insofar as it directed the District of Columbia to treat plaintiff's outstanding discovery requests as having been served on it as a non-party and to respond to it. This reconsideration is sought in light of the decision in *Siegert v. Gilley*, 895 F.2d. 797 (D.C. Cir. 1990). As grounds therefore they state that:

1. Plaintiff's pleadings do not meet the heightened standard applied to plaintiff's claim of unconstitutional motive.

2. Plaintiff's pleadings failing to meet the heightened standard applied to plaintiff's claim of unconstitutional motive regarding defendant Britton's actions, the complaint fails to state a claim for which relief can be granted, and the Court lacks jurisdiction over the subject matter.

WHEREFORE, the defendant respectfully requests that the court's reconsider its order of May 10, 1990, and upon reconsideration, that the complaint be dismissed.

Respectfully submitted,

HERBERT O. REID, SR.

Acting Corporation Counsel, D.C.

MARTIN L. GROSSMAN

Deputy Corporation Counsel, D.C.

Civil Division

RICHARD S. LOVE

Assistant Corporation Counsel, D.C.

Chief, Correctional Litigation Section

/s/ Kenneth Marty

KENNETH MARTY (370494)

Assistant Corporation Counsel, D.C.

Attorneys for the Defendant and for the

District of Columbia

Correctional Litigation Section

1923 Vermont Avenue, N.W., #NLL-3

Washington, D.C. 20001

Tel. (202) 673-6698

[Certificate of Service Omitted In Printing]

APPENDIX L

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LEONARD R. CRAWFORD-EL

PLAINTIFF PRO-SE

V.

PATRICIA BRITTON, ET AL

DEFENDANTS

CA NO. 89-3076 (RCL)

PLAINTIFFS OPPOSITION TO DEFENDANTS
MOTION FOR RECONSIDERATION OF
THE COURTS ORDER OF MAY 10, 1990 DENYING
DEFENDANT BRITTON'S MOTION TO DISMISS

Comes Now Plaintiff Pro Se and submits the following
Opposition to Defendant Brittons Motion For Reconsid-
eration.

Defendant Britton argues that Plaintiffs pleadings do
not meet the heightened standard applied to his claim of
unconstitutional motive, and that because of this the
complaint fails to state a claim for which relief can be
granted and that the court lacks jurisdiction over the sub-
ject matter, Defendant cites Siegert c. Gilley, 895 F.2d
797 as grounds for relief.

Introduction

Plaintiff has brought a claim against Defendant for
intentional denial of access to the courts. Due process

and equal treatment under the law through the depriva-
tion of legal material, records and law books belonging
to Plaintiff.

Unlike Plaintiff in Siegert v. Gilley, 895 F.2d 798
in the case at bar Plaintiff's action has met the height-
ened pleading standard for claims alleging unconstitu-
tional motive. Plaintiff Crawford-El has submitted allega-
tions of actions that no reasonable official could believe
lawful and the Defendant in turn alleges she in fact took
different actions that a reasonable official could believe
lawful which at the very least would entitle Plaintiff to
limited discovery.

Plaintiff further has alleged direct evidence of uncon-
stitutional intent on the part of Defendant Britton and
has produced direct evidence.

Wherefore Defendants Motion for Reconsideration
must be denied.

Memorandum in Support of Plaintiffs Opposition
to Defendant Patricia Brittons Motion For
Reconsideration of the Courts Order of May 10, 1990

I. In this case the Courts jurisdiction is clear. Defendant
Britton acted with bad faith and and malice in depriving
Plaintiff of his legal materials; because of her embar-
rassment at having approved Washington Post reporters
to visit Plaintiff in 1986 and the resulting articles. Her
labeling of Plaintiff as a legal troublemaker; and having
been named by Plaintiff in two previous and separate
lawsuits.

Defendant claims that she did not act in bad faith
and that she did not know that her acts denied Plaintiff
any constitutional rights. Unlike Siegert v. Gillery
Defendant Britton was advised by Plaintiff and Plaintiffs

attorneys numerous times before the filing of the Complaint that:

1. Plaintiff's legal material was contained in the property she deprived him of and that it pertained to current pending court actions.

2. That the D.C. Government and the D.C. Department of Corrections for which she acted had clearly established rules of procedure which she continually violated that were established to prevent said unconstitutional deprivation toward Plaintiff by her or others.

3. That her refusal to resolve the issue without Court action was direct evidence that her official acts toward Plaintiff were improperly motivated and unconstitutional in intent.

4. That in response to Plaintiffs and attorneys acting on Plaintiffs behalf requests; "That she act according to D.C. Department of Corrections policies and undo her intentional acts to deprive Plaintiff of his legal material"; she advanced no rational basis that could withstand any level of scrutiny for violating these laws and policies.

5. That there was no Government interest that was at stake that would outweigh Plaintiff rights.

6. That in light of pre-existing laws, rules and policy, the unlawfulness of her acts was apparent.

II. Once again Defendant Britton alleges that Plaintiffs Complaint fails to state a claim for which relief can be granted under 42 U.S.C. 1983. Plaintiff submits that Defendant through arbitrary abuse of her official powers while acting within the scope of her employment violated D.C. Government and D.C. Department of Corrections rules, policies and directives to intentionally deprive Plaintiff of his legal property, subject Plaintiff to cruel

and unusual punishment, deny him access to the Courts and to deny him due process and equal treatment under the law.

That Defendant Britton promised to make his incarceration as hard upon him as possible in 1986 and thereafter transferred Plaintiff, labeled him a legal troublemaker, and used her official position to deprive Plaintiff of his legal materials, records and Court documents, caused Plaintiff to suffer violations of his Constitutional rights and caused him injury.

III. Defendant Britton further alleges that Plaintiff suffered little injury. However, in addition to Plaintiff being made to suffer emotional duress, mental anguish, mental frustration, vexation, concern about future events and monetary expenses; the unconstitutionally motivated acts of Defendant Britton bought about the proximal cause of the dismissal of one of Plaintiffs Court actions.

Crawford-El v. Shapiro et al, 89-2060 (JFM), U.S.D.C./MD was dismissed on May 4, 1990. Subsequent to Defendant Britton depriving Plaintiff of his legal material, Plaintiff was unable to respond to discovery requests in that matter, due to the requested material having been deprived him by Defendant Britton. As a result the court was required to continue the discovery and summary motion deadline not less than 3 times. When Defendants in 89-2060 JFM filed their Motions For Summary Judgment and Dismissal one of their strongest points was that Plaintiff cited no legal argument or case law to advance his position. Plaintiff could not adequately prepare his pleadings because he is handicapped by being at the D.C. Jail and having only 1 hour per week to visit the law library at the D.C. Jail to do legal research.

Were it not for the bad acts of Defendant Britton, discovery in that case would not of been delayed and Plaintiff would have been in Florida with 7 day a week access to the law library instead of in D.C. Jail. Therefore Defendant Patricia Brittons unconstitutionally motivated acts contributed to this injury to Plaintiff also.

IV. This Court has jurisdiction over the Federal causes of action set forth in the Complaint under Title 28 U.S.C. 1331, 1332, 1343. The Court has jurisdiction over the common law cause of action set forth under the doctrine of pendent jurisdiction since it arises from a common nucleus of operative facts with Federal causes of action.

This Court has venue over the causes of action set forth in the Complaint under 28 U.S.C. 1391.

Conclusion

Defendant Brittons actions were unconstitutionally motivated by her promise to make plaintiffs period of incarceration difficult and her labeling Plaintiff a legal troublemaker. Such intent is pleaded with specific discernable facts and offers of proof by Plaintiff through his submittal of numerous letters to Defendants advising them of the wrongfulness of their acts. Requesting an available remedy prior to litigation and the Defendants absolute refusal to take corrective measures over a period of eight months + plus.

The rights she violated were clearly established by pre-existing laws and the policies of the D.C. Government, D.C. Department of Corrections and further by the notification by attorney's acting on Plaintiffs behalf in the matter the Bill of Rights insures Plaintiff the right to associate with members of the press; the right to access to the Courts, the right to due process and the right to

equal protection of the law. The policies of the D.C. Government and the D.C. Department of Corrections are designed to protect the Constitutional rights of prisoners. They further detail by policy for the correct handling, authorized release, storage inventory, care, custody and personal control of a prisoners legal material and property both by the prisoner and the prison officials.

No reasonable official of the D.C. DOC could believe that Defendant Patricia Brittons acts were lawful due to the established policies and the training D.C. DOL employees receive.

Defendant Britton began her career with the D.C. DOC as a uniformed correction officer. Each of her accelerated promotions included detailed training and job descriptions that include prisoner and citizen rights.

Defendant Britton violated those rules, policy, and her training through an arbitrary abuse of her official powers.

Defendant Britton knew or reasonably should have known her acts might give rise to liability for damages. If by some act of God she didn't know initially she certainly knew after being telephoned on many occasions and by written communications addressing this sent to her by attorney Robert C. Hauhart of the D.C. Public Defender Service Prisoners Rights Program and Attorneys Jay L. Alexander and Steven Wienberg.

Plaintiff has alleged and produced direct evidence of unconstitutional intent along with the original complaint, in his response to defendants pleadings and in open court.

Judge Royce C. Lamberth was correct in denying Defendant Brittons Motion To Dismiss her as a Defendant. The case law cited by Defendant Britton does not support her contentions.

Defendant Patricia Brittons claim of immunity as a Government official is defeated and Plaintiff's claim has met the heightened pleading standard for claims alleging unconstitutional motive.

Plaintiff had right to expect D.C. DOC officials to act according to D.C. DOC policy and the law.

Wherefore all of the foregoing the Motion for Reconsideration by Defendant Britton should be denied and other appropriate relief should be granted by the Court in Plaintiffs favor.

Respectfully submitted,

/s/ Leonard R. Crawford-El
Leonard R. Crawford-El
Plaintiff Pro Se
1901 D Street, S.E.
Washington, D.C. 20003

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

Civil No. JFM-89-2060

LEONARD ROLLON CRAWFORD-EL

v.

SAMUEL M. SHAPIRIO, ESQ.

SCHEDULING ORDER

1. Discovery deadline — December 11, 1989
2. Status report due — December 11, 1989
3. Summary judgment motions deadline — January 11, 1990

Date: October 16, 1989

/s/ J. Frederick Motz
J. Frederick Motz
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

Civil No. JFM-89-2060

LEONARD ROLLON CRAWFORD-EL

v.

SAMUEL M. SHAPIRO, ESQ., et al

SCHEDULING ORDER

1. Discovery deadline — January 25, 1990
2. Status report due — January 25, 1990
3. Summary judgment motions deadline — February 26, 1990

Date: October 25, 1989

/s/ J. Frederick Motz
J. Frederick Motz
United States District Judge

Law Offices

JORDAN COYNE SAVITS & LOPATA
1030 Fifteenth Street, N.W.
Washington, D.C. 20005

January 23, 1990

The Honorable Frederick Motz
United States District Judge
Room 510
United States District Court
for the District of Maryland
U.S. Courthouse
101 West Lombard Street
Baltimore, Maryland 21201

Re: Crawford-El v. Shapiro, *et al.*
Civil Action No. JFM-89-2060
Our File No.: 0007.880046

Dear Judge Motz:

This is submitted as our status report required by your Scheduling Order of October 25, 1989, and which is due on January 25, 1990. In brief, both parties have served interrogatories and a request for production of documents. On behalf of defendants, on December 5, 1989, we mailed to the plaintiff answers to his interrogatories, about four inches worth of documents in response to his request for production of documents, and interrogatories and a request for production of documents addressed to him. Subsequently, the plaintiff, by letter dated January 11, 1990, has claimed that he never received the materials that we sent to him at his prison address in Marianna, Florida. Nor have these materials been returned to us by the Post Office.

In addition, in his recent response to our first request for production of documents, the plaintiff has disclosed that he is unable to provide responsive documents because he was separated from his records and property when he was transferred from a prison in Washington State to the institution in Marianna, Florida.

As a result of these developments, which are not surprising in view of the fact that the plaintiff is proceeding *pro se* and is incarcerated in Florida, it has not been possible to complete discovery by January 25, 1990. We respectfully request, on behalf of the defendants, that discovery be kept open past January 25, 1990, at least for the purpose of the completion of responses to all pending discovery requests.

In view of the foregoing, we also respectfully request that the deadline for filing of the Motion for Summary Judgment be extended until after discovery has been completed.

Respectfully submitted,

/s/ Joel M. Savits
Joel M. Savits

DBS:jfs

cc: Mr. Leonard Rollon Crawford-El

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

January 26, 1990

MEMORANDUM TO MR. CRAWFORD-EL
AND COUNSEL RE: Crawford-El v. Shaprio
Civil No. JFM-89-2060

Dear Mr. Crawford-El and Mr. Savits:

I am in receipt of Mr. Savits' letter of January 23, 1990.

Extensions of the discovery deadline and the summary judgment motion are in order. However, I am not willing to make those extensions open-ended. Accordingly, the Scheduling Order entered on October 25, 1989 is hereby modified as follows:

Discovery deadline — March 27, 1990

Summary Judgment Motions deadline — April 26, 1990

Despite the informal nature of this ruling, it shall constitute an order of Court, and the Clerk is directed to docket it accordingly.

Very truly yours,

/s/ J. Frederick Motz
J. Frederick Motz
United States District Judge

cc: Court File

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

Civil No. JFM-89-2060

LEONARD ROLLON CRAWFORD-EL

v.

SAMUEL M. SHAPIRO, et al.

Civil No. JFM-89-2060

ORDER

For the reasons stated in the memorandum entered herein, it is this 4th day of May 1990

ORDERED

1. Defendants' motion for summary judgment is granted; and
2. Judgment is entered in favor of defendants against plaintiff.

/s/ J. Frederick Motz
J. Frederick Motz
United States District Judge

APPENDIX M

[SEAL]

Government of the District of Columbia
DEPARTMENT OF CORRECTIONS
1923 Vermont Avenue, N.W., Suite N-117
Washington, D.C. 20001

07 NOV 1989

Mr. James Neal
Reg. No. 07216-000
U.S.P.
Leavenworth, Kansas 66048

The Federal Bureau of Prisons has advised this office that they will not accept your personal property. Therefore, I am requesting that you forward to this office a current address and the name of someone I can mail your personal property to.

If I do not hear from you within thirty (30) days regarding this matter, I will assume that you are authorizing us to destroy your personal property.

Sincerely,

/s/ Patricia Britton
Patricia Britton
Coordinator Special Projects

Attachment 1
Civ. Action No. 89-3076 (RCL)

[SEAL]

Government of the District of Columbia
DEPARTMENT OF CORRECTIONS
1923 Vermont Avenue, N.W., Suite N-117
Washington, D.C. 20001

07 NOV 1990

Mr. Edward Ashford
Reg. 02181-000
FCI
Springfield, Missouri 65808

The Federal Bureau of Prisons has advised this office that they will not accept your personal property. Therefore, I am requesting that you forward to this office a current address and the name of someone I can mail your personal property to.

If I do not hear from you within thirty (30) days regarding this matter, I will assume that you are authorizing us to destroy your personal property.

Sincerely,

/s/ Patricia Britton
Patricia Britton
Coordinator Special Projects

Attachment 2
Civ. Action No. 89-3076 (RCL)

EXHIBIT 3
